

Chapter 14.54

SEWER SERVICE USER CHARGE

(3504-10/01, 3795-1/08)

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14.54.010 Short Title This Chapter of the *Municipal Code* may be cited as the “Sewer Service User Charge” Ordinance. (3504-10/01)

14.54.020 Intent and Purposes Pursuant to California *Health & Safety Code* Section 5470 *et. Seq.*, the City is authorized to adopt fees and charges for the acquisition, construction, reconstruction, maintenance, and operation of sewerage facilities. This Chapter is intended to ensure that sufficient revenues are collected to adequately acquire, construct, reconstruct, maintain, and operate the City’s needed sewerage facilities. By imposing a charge that is reasonably related to the burdens imposed upon the sewerage facilities by sewer service customers, the City will be able to acquire and/or construct the required capital improvements to the sewerage facilities, undertake the needed reconstruction and maintenance of existing sewerage facilities, and operate the sewerage facilities in accordance with the goals, objectives and policies of the City’s Integrated Infrastructure Management Program. (3504-10/01)

14.54.030 Definitions For the purpose of this Chapter, the following terms shall be defined as follows: (3504-10/01)

- (a) “City” shall mean the City of Huntington Beach. (3504-10/01)
- (b) “Public Works Director” shall mean the Public Works Director or the Director’s designee. (3504-10/01)
- (c) “Sewer Charge Customer Category” shall mean any of the specific use categories that have been listed in the Ordinance establishing sewer service user rates and charges pursuant to Section 14.54.040. (3504-10/01)
- (d) “Sewer Service Customer” shall mean the person obligated to pay the Sewer Service User Charge or other fee(s) established pursuant to this Chapter. (3504-10/01)
- (e) “Sewer Service Fund” shall mean the special fund established pursuant to this Chapter into which all revenues from sewer service user charges will be deposited. (3504-10/01)
- (f) “Sewer Service User Charge” or “Charge” shall mean the charge imposed on sewer service customers pursuant to this Chapter. (3504-10/01)
- (g) “Sewer System” shall mean all sanitary sewer facilities owned or maintained by the City of Huntington Beach and used for the purpose of collecting and conveying sewage to the Orange County Sanitation District’s treatment and conveyance facilities. (3504-10/01, 3795-1/08)

- (h) "Water Customer" shall mean any person with a City water utility account. (3504-10/01)

14.54.035 Maintenance and Repair

- (a) Repair and maintenance of all sewer mains dedicated to the city shall be the responsibility of the City. (3795-1/08)
- (b) Except as provided herein, repair and maintenance of all privately-owned sewer mains and all lateral lines, equipment and appurtenances connected to the city sewer mains shall be the responsibility of the owner/user, and shall meet the requirements contained in Title 12 of this code. (3795-1/08)
- (c) City will pay the cost of repair and maintenance of all lateral lines from the City-owned sewer main through the public right-of-way to the private property line. The owner is responsible for all costs of repair and maintenance of all lateral lines on private property not within the public right-of-way. (3795-1/08)
- (d) The Public Works Director shall prepare administrative guidelines to implement the provisions of this section. The guidelines shall include administrative procedures, application and appeals forms and such other information that will assist City staff, decision makers, sewer service customers and the general public to understand how the provisions of this section are to be implemented. (3795-1/08)

14.54.040 Establishment of a Sewer Service User Charge A Sewer Service User Charge is hereby established. After the effective date of this Chapter, any water customer of the City of Huntington Beach is hereby required, unless exempted pursuant to the provisions of Section 14.54.100, to pay a Sewer Service User Charge in the manner and amount specified herein. (3504-10/01)

The City Council shall, by Ordinance, set the specific amount of the rates and charges for sewer service customers and the rates and formulas for modifying the charges to account for annual adjustments in the Consumer Price Index for All Urban Consumers ("CPIU") in Los Angeles, Orange and Riverside Counties established by the U. S. Bureau of Labor Statistics. The specific amount of the charge shall be based upon the sewer service customer category with allowance for adjustments and exemptions as set forth in this Chapter. (3504-10/01)

14.54.050 Sewer Service Fund Created

- (a) The City hereby establishes a special fund within the City's fiscal system to be known as the "Sewer Service Fund." (3504-10/01)
- (b) All revenues from sewer service user charges and any related fees and charges shall be deposited to the Sewer Service Fund. (3504-10/01)
- (c) The interest earned on the Sewer Service Fund shall accrue to that account only. (3504-10/01)
- (d) The monies in the Sewer Service Fund shall not be transferred, loaned or otherwise encumbered for any program except the acquisition, construction, reconstruction, maintenance, and operation of the City's sewer system or as may be further authorized under State law in accordance with the provisions of *Health & Safety Code* Section 5471. (3504-10/01)
- (e) Revenues derived pursuant to this Chapter and placed into the Sewer Service Fund shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers or as may be further prohibited under State law in accordance with the provisions of *Health & Safety Code* Section 5471. (3504-10/01)

14.54.060 Setting of Sewer Service User Rates and Charges

- (a) The City Council shall by Ordinance establish a system of sewer service user charges for all water customers in the City. (3504-10/01)
- (b) To the extent practicable, user charges shall be based on each sewer service customer's category of expected rate and volume of sewer service usage. Said charges shall not exceed the reasonable cost of providing the services, facilities or regulatory activity for which the fee is charged. (3504-10/01)

14.54.070 Annual Program Review The Sewer Service Fund shall be subject to an annual review and performance audit by the Public Works Commission. The City Council periodically, at least annually, shall receive at a regularly scheduled meeting, oral and written presentations as recommended by the Public Works Commission, concerning fees, rates, and/or charges proposed to be modified or added to the sewer service user charge. Such public meeting and oral and written presentations shall be provided prior to the City Council taking any action on any new or modified sewer service user charges. At least one such public hearing shall be held annually, in conjunction with the City's annual budget process and hearing. (3504-10/01)

14.54.080 Billing of Sewer Service User Charges The billing of the sewer service user charge for water customers of the City shall be made at such time and frequency and such method as the City Council may deem appropriate by Ordinance. (3504-10/01)

14.54.090 Payment and Collection of Sewer Service User Charges All sewer service user charges, however billed, shall be subject to the payment, collection and enforcement procedures for water billings as set forth in *Municipal Code* Section 14.12.120. (3504-10/01)

14.54.100 Exemptions

- (a) **Exemption Categories.** The following water customers shall be exempt from the requirements of this Chapter: (3504-10/01)
- (1) The City of Huntington Beach. (3504-10/01)
 - (2) Water customers with irrigation only accounts or meters as determined by the Public Works Director. (3504-10/01)
 - (3) Water customers who are not connected to the City sewer system. (3504-10/01)
- (b) **Claim for Exemption Required.** Any claim of exemption under 14.54.100(a)(3) must be filed in the same manner and will be considered pursuant to the same procedure as for a sewer service user charge adjustment as provided in Section 14.54.110. (3504-10/01)

14.54.110 Sewer Service User Charge Adjustments and Appeals Process

- (a) Any water customer subject to the sewer service user charge may apply to the City for an adjustment of or exemption from the charge. (3504-10/01)
- (b) Any water customer who has reason to dispute the imposition or computation of the sewer service user charge billed pursuant to this Chapter shall file, within sixty (60) days of payment of the charge, an application for an adjustment in the manner prescribed by the Administrative Implementation Guidelines. The Public Works Director shall consider all data provided along with the application and shall render a decision in writing to the applicant within forty-five (45) days of the date that the application is received. (3504-10/01)
- (c) Any applicant who has reason to dispute a decision of the Public Works Director regarding the application for adjustment and/or exemption pursuant to Section 14.54.110(b) shall file an appeal or said decision to the Public Works Commission in the manner prescribed by the Administrative Implementation Guidelines. The decision of the Public Works Commission will be final with respect to City action on the appeal. (3504-10/01)

14.54.120 Refund of Sewer Service User Charge Upon Application for a sewer service user charge adjustment or exemption pursuant to Section 14.54.110, a charge will be refunded, wholly or in part, only if a water customer demonstrates to the satisfaction of the Public Works Director and/or Public Works Commission that the charge was erroneously or illegally collected, or if the City is compelled to do so pursuant to a final judgment by a court of competent jurisdiction. (3504-10/01)

14.54.130 Preparation of Administrative Implementation Guidelines Within sixty (60) days after the effective date of the Ordinance enacting this Chapter, the Public Works Director shall prepare administrative guidelines to implement the provisions of this Chapter. The guidelines shall include administrative procedures, example fee calculations, application and appeals forms and such other information that will assist City staff, decision makers, sewer service customers and the general public to understand how the provisions of this Chapter are to be implemented. (3504-10/01)